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April 19, 2022

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL TO ACCEPT GRANT FUNDS FROM THE BOARD OF STATE AND COMMUNITY  
CORRECTIONS FOR THE COUNTY RESENTENCING PILOT PROGRAM  
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

**SUBJECT**

The Board of State and Community Corrections has apportioned \$700,000 in grant funds to Los Angeles County Public Defender under the County Resentencing Pilot Program to support Prosecutor-Initiated Resentencing. The grant will allow the District Attorney to recall an unjust, excessive sentence and resentence of an individual to a lesser sentence. The funding will offset the costs of attorney and other support staff to represent incarcerated persons under consideration for Prosecutor-Initiated Resentencing. The Public Defender requests approval to accept the grant funding from the Board of State and Community Corrections. The Department will allocate a portion of the funds to the Alternate Public Defender to be used exclusively for the Pilot and approve Appropriation Adjustments for the Public Defender and Alternate Public Defender.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Delegate authority to the Public Defender, or his designee, to accept the grant funds of \$700,000 and apportion funding to the Alternate Public Defender for work related to the State's County Resentencing Pilot Program.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The California Budget Act of 2021 (Assembly Bill 128) allocated \$18M in grant funds under the Corrections Planning and Grant Programs to be appropriated for the County Resentencing Pilot Program (Pilot). Under Assembly Bill 128 (AB 128), the Los Angeles County Public Defender (PD) was appropriated \$700,000 by the Board of State and Community Corrections (BSCC). PD will

allocate \$175,000 of the grant funds to the Alternate Public Defender (APD).

Board approval of the recommended actions will enable the PD and APD to carry out the Pilot from the date of approval through September 1, 2024 and authorize FY 2021-22 budget appropriations for both departments.

### **Implementation of Strategic Plan Goals**

Approval of the recommended actions is consistent with the County's Strategic Plan Goal No. III, Strategy III.3: Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability and is aligned with the Board's Care First, Jails Last, and Alternatives to Incarceration priorities.

### **FISCAL IMPACT/FINANCING**

PD and APD will use the appropriated AB 128 grant funds of \$700,000 toward the Pilot from the date of Board approval through September 1, 2024. PD and APD will use the funding to offset program costs, such as staffing of attorneys and other support staff that will represent incarcerated individuals under consideration for Prosecutor-Initiated Resentencing (PIR).

The Pilot allocations were developed using the projected workload handled by PD and APD. The distribution of the \$700,000 will be as follows:

- PD - \$525,000
- APD - \$175,000

PD will provide the allocated funds to APD via intradepartmental transfers on a cost-reimbursement basis. There is no net County cost impact associated with the recommended actions. The Chief Executive Office will allocate the necessary appropriations to each department as part of the normal budget process.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

AB 128 established the Pilot to support and evaluate a collaborative approach to the exercising of prosecutorial discretion pursuant to paragraph (1) of subdivision (d) of Section 1170 of the Penal Code (PC 1170(d)(1)). The following Pilot participants include a county district attorney and public defender's office and may also a community-based organization.

Nine California counties were granted funding under AB 128 to be used exclusively for the three-year Pilot from September 1, 2021, through September 1, 2024. The BSCC selected Los Angeles County as one of the nine Pilot counties.

The following are the goals of the Pilot:

1. Ensure that the district attorney in each county has the resources needed to engage in PIR.
2. Evaluate a collaborative approach to exercising prosecutorial resentencing discretion.

Per the Pilot guidelines, public defender offices may provide input to the district attorney regarding factors, criteria, and processes for the district attorney to exercise their discretion under PC 1170(d)(1).

AB 128 requires that the funding for the resentencing of individuals be consistent with the requirements of the Pilot, including:

1. Ensuring adequate staffing of deputy district attorneys, paralegals, deputy public defenders, and support staff.
2. Requiring the district attorney to keep data evaluated by an evaluator to compare participating counties and assess challenges in implementation, cost study, and recidivism outcomes.
3. Requiring state agencies to provide information to an evaluator upon request.

PD and APD will collaborate with the District Attorney (DA) to establish procedures for providing services to incarcerated persons that the DA has identified as eligible candidates for recall and resentencing under PC 1170(d)(1).

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of the recommended actions will advance the Board's Care First, Jails Last, and Alternatives to Incarceration initiatives and programs.

**CONCLUSION**

Upon your Board's approval, please return one adopted copy of this board letter to the Public Defender, Bureau of Administrative Services.

Respectfully submitted,



RICARDO D. GARCIA

Public Defender

RDG:JT:sz

c: Executive Office, Board of Supervisors  
Chief Executive Officer  
County Counsel  
Alternate Public Defender